



**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/492,811 01/28/00 BECKER

J 7436.100A

QM12/0103

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EXAMINER

DESAI, H

ART UNIT

PAPER NUMBER

3721

DATE MAILED:

01/03/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/492,811

Applicant(s)

BECKER ET AL.

Examiner

Hemant M Desai

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker (4929094) in view of Aghassipour (5595320).

Becker discloses a collapsible inner container assembly (12, fig. 1), designed to be removably inserted into an outer container (14, fig. 1) comprising a bottom, opposing first (34, figs. 2, 2A etc.) and second (42, figs. 2, 2A etc.) side walls and front and back walls (48, 50, fig. 2), each constructed of a flexible insulating material (col. 3, lines 37-43), the first and second side walls (34, 42) and the front and back walls (48, 50) forming an integral moisture proof seal with the bottom and each other, an integral first foldable side flap (32, fig. 2) extending above the first side wall (34) and having opposing edges, an integral foldable second side flap (38, fig. 2) extending above the second side wall (42) and having opposing edges, an integral foldable front flap (44, fig. 2) extending above the front end (48) and integral with the edges of both the first and second side flaps (32, 38), an integral foldable back flap (46, fig. 2) extending above the back end (50) and integral with the edges of both the first and second side flaps (32, 38), and a top formed (24, fig. 1) from the first and second side flaps (32, 38) and the

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front and back flaps (44, 46) wherein the first and second side flaps are folded and adjacent to each other.

Becker discloses, as mentioned above, applicant's all the claimed limitations except for a flexible insulating material having one metalized surface.

However, Aghassipour teaches a flexible insulating material (22, fig. 2) having one metalized surface (16, col. 3, lines 4-5) and bubble wrap layer (14, fig. 1a) to provide an insulating bag that keeps the content cold for substantially long period of time and for low manufacturing cost (col. 1, lines 42-46). Therefore it would have been obvious to one having ordinary skill in the art at time of invention to provide a flexible insulating material having one metalized surface and bubble wrap layer as taught by Aghassipour in the Becker's container assembly to provide an insulating container that keeps the content cold for substantially long period of time and for low manufacturing cost.

Regarding claim 15, Becker discloses that the flexible insulating material is foam.

Regarding claim 17, Becker discloses that front and back walls (48, 50) each have a gusseted reinforcement.

Regarding claims 18 and 19, Becker discloses a selectively releasable means (82, 84, fig. 2) for securing the first side flap (32) to the second (38) side flap.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M Desai whose telephone number is (703) 308-5830. The examiner can normally be reached on 7:00 AM-5:30 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3576.

Hemant M Desai  
Examiner  
Art Unit 3721

HMD  
December 20, 2000

A handwritten signature in black ink, appearing to read 'PETER VO', written over a horizontal line.

**PETER VO**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3700**